

### **REMARKS**

Claims 1-12, 14-38 and 40-55 are pending in the above-identified application. Claims 13 and 39 were previously cancelled.

In the pending Office Action, claims 1-12, 14-38 and 40-54 were rejected. The Examiner did not address claim 55, which was added in the March 4, 2008, Response to the previous Office Action dated November 1, 2007.

With this Amendment, claim 1 was amended to correct a grammatical error. Accordingly, claims 1-12, 14-38 and 40-55 remain at issue.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-12, 14-38 and 40-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nafeh* (US 5,343,251) in view of *Zigmond et al.* (US 6,698,020) in view of *Merriman et al.* (US 2003/0028433). Applicants respectfully traverse this objection.

With respect to independent claim 1 and referencing the exemplary embodiment depicted in Figure 1A for illustrative purposes, Applicants claim a signal processing device having the following limitations:

*a commercial message section detecting means (202) for detecting a commercial message section (202a) from an input signal (200a) including at least the commercial message section and the remaining signal section on a time division basis;*

*a commercial message extracting means (201) for extracting a commercial message (201a) in the commercial message section from the input signal in accordance with a result of the detection by the commercial message section detecting means (202);*

*a recording means (205) for recording each signal extracted from the input signal by the commercial message extracting means (201);*

*an index information extracting means (206) for extracting information from said commercial message section to be used as a user-selectable index(206a) representing said recorded commercial message, the information extracted from said commercial message section and associated with said commercial message being one of a starting image, a cut point image, a starting sound or an ending sound; and*

*a display means (208) for displaying said index.*

Independent method claim 27 has similar limitations to those in claim 1.

The Examiner, in rejecting claim 1, asserts that *Nafeh* teaches “*a commercial message section detecting means,*” “*a commercial message extracting means,*” and “*a recording means for recording each signal extracted from the input signal by the commercial message extracting means*” as taught by Applicants and recited in claim 1. Applicants respectfully disagree with the Examiner’s assertion.

*Nafeh* discloses an apparatus 10 for discerning a commercial message from a program message in an input signal 12 based on learned signal patterns associated with different classes of commercial and program messages so that the commercial messages can be eliminated (or attenuated) before being recorded on a VCR or displayed on a TV. *See Nafeh*, Col. 2:38 - Col. 3:57; Col. 5:29 - Col. 6:21; Col. 7:14-46. In particular, *Nafeh* discloses that “[t]he single output of the network [classifier 24 of apparatus 10] is used to make a decision as to whether the broadcast [or input signal 12] is either a commercial or a program, following a detected transition [in the broadcast or input signal 12].” *See Nafeh*, Col. 6:18-21. No where does *Nafeh* teach or suggest a recording means for recording each commercial message extracted from an input signal (or program segment).

In addition, the Examiner acknowledges that *Nafeh* fails to disclose “*an index information extracting means for extracting information from said commercial message section to be used as a user-selectable index representing said recorded commercial message*” and “*a display means for displaying said index.*” The Examiner asserts that *Zigmond* and *Merriman* in combination teach these limitations that are missing from *Nafeh*.

Applicants respectfully disagree. Moreover, the Examiner has overlooked another limitation of claims 1 and 27. In particular, claims 1 and 27 each require that “the information extracted from said commercial message section and associated with said commercial message [is] one of a starting image, a cut point image, a starting sound or an ending sound.” *Nafeh*, *Zigmond* and *Merriman*, alone or in combination, fail to disclose or suggest this limitation, which is a requirement of the claimed “index information extracting means.”

Again, the Examiner acknowledges that *Nafeh* fails to disclose the “index information extracting means” as required by claim 1. The Examiner asserts that *Zigmond* (as described in Col. 10 lines 15+ and seen in Figure 5) teaches a system wherein commercial messages are detected, extracted, recorded, indexed and played back to the user based on detection of the commercial message in a broadcast stream.

Applicant respectfully disagrees. *Zigmond* teaches a system (i.e., Ad insertion device 80) for receiving and storing advertisements (i.e., Ads in “Ad Delivery” in Fig. 5) that may subsequently be inserted into an advertisement slot of a video programming feed (i.e., “Programming Delivery” in Fig. 5) according to advertisement selection criteria combined with viewer and system information. See, *Zigmond*, Abstract, Col. 10, lines 15-35; Col. 13, lines 20-27; Fig. 5. No where does *Zigmond* disclose or suggest that the “Ad insertion device” works in

reverse to detect commercial messages in a broadcast video programming feed. Furthermore, *Zigmond* fails to teach “an index information extracting means for extracting information from said commercial message section [of a programming input signal] to be used as a user-selectable index representing said recorded commercial message, [where] the information extracted from said commercial message section and associated with said commercial message being one of a starting image, a cut point image, a starting sound or an ending sound” as required by claim 1.

Applicant also asserts that *Merriman* (alone or in combination with *Nafeh*, *Zigmond*, or any other cited reference) also fails to disclose or suggest “an index information extracting means” as required by claim 1 (and as similarly required in method claim 27). *Merriman* discloses an advertising server having a web page accessible by a user’s web browser. The web page has an embedded reference to an object of a process of the advertising server that is contacted by the user’s browser to provide the advertising image or info to appear on the accessed web page. The advertising server process uses the address information passed by the user’s browser to determine the advertising image or info that is to be provided to the user’s web browser. See *Merriman*, paragraphs 0012-0013; Figs. 2 & 3. Assuming *arguendo* that the web page as sent to the user’s web browser corresponds to an “input signal including at least the commercial message section and the remaining signal section on a time division basis,” the embedded reference in the web page is not extracted from the web page to be used as a user-selectable index representing the recorded commercial message as required by claim 1. Moreover, Applicants submit that *Merriman* fails to even discuss or suggest a system that provides a user selectable index from the commercial message section of the input signal and

requests that the Examiner clearly identify any support in *Merriman* for “*an index information extracting means*” as required by claim 1.

Furthermore, the Examiner has not pointed to any support in *Merriman* for “*an index information extracting means*” where “*the information extracted from said commercial message section and associated with said commercial message being one of a starting image, a cut point image, a starting sound or an ending sound*” as required by claims 1 and 27.

Thus, for at least the foregoing reasons, Applicants submit that *Nafeh, Zigmond* and *Merriman* (alone or in combination) fail to teach or suggest all the limitations of independent claims 1 and 27. Accordingly, Applicants respectfully request that the rejection of claims 1 and 27 be withdrawn.

Claims 2-12, 14-26, and 53 depend directly or indirectly from claim 1 and should be deemed allowable for at least the same reasons as claim 1. Claims 28-38, 40-52, and 54 depend from claim 27 and should be deemed allowable for at least the same reasons as claim 27. Accordingly, Applicants respectfully request that the rejection to the dependent claims 2-12, 14-26, 28-38, and 40-54 be withdrawn.

Regarding claim 55, as previously noted, the Examiner did not address claim 55, which was added in the March 4, 2008, Response to the Office Action dated November 1, 2007. Accordingly, Applicants respectfully request that the finality of this office action be withdrawn so that the Examiner may consider claim 55 as previously presented.

Claim 55 has limitations similar to claim 1. Thus, Applicants submit that claim 55 should also be deemed allowable for at least the same reasons as given for claim 1 above.

**II. Conclusion**

In view of the above amendments and remarks, Applicants submit that claims 1-12, 14-38 and 40-55 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: June 24, 2008

By: /David R. Metzger/  
David R. Metzger  
Registration No. 32,919  
SONNENSCHNEIDER NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000